

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	AMENDED ORDER GRANTING
)	MOTION FOR RECONSIDERATION
vs.)	OF DETENTION
)	
Nathaniel Alejandro Spotted Horse,)	Case No. 1:23-cr-120
)	
Defendant.)	

On August 29, 2023, Defendant filed a Motion for Reconsideration of Detention. (Doc. No. 24). He requests to be released to the Prairie Recovery Center (“PRC”) on September 5, 2023, so that he can participate in its inpatient treatment program. He advises that the Good Road Recovery Center will arrange for his transport to PRC should the court be inclined to authorize his release.

A detention hearing may be reopened “if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2).

A placement at PRC was not available to Defendant at the time of his detention hearing and has a material bearing on the issue of detention. The court finds that a placement of Defendant at PRC with additional conditions will reasonably assure both his appearance at future proceedings and the community's safety. The court therefore **GRANTS** Defendant’s motion (Doc. No. 24).

Defendant shall be released no earlier than 7:00 AM on September 6, 2023, to a representative of the Good Road Recovery Center or other person approved by the Pretrial Services Office for immediate transport to PRC. Defendant's release shall be subject to the following

conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection progress or specimen may be considered the same as a positive test.
- (4) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall not knowingly or intentionally have any direct or indirect contact with witnesses or co-defendant, except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.
- (7) Defendant shall reside at PRC, fully participate in its programming, and comply with all of its rules and regulations.
- (8) Defendant must sign all release forms to allow the Pretrial Services Officer to obtain information from PRC OR to communicate with PRC staff about his progress in the program.

Any passes allowed by PRC must be approved by the Pretrial Services Officer.

If for any reason defendant is terminated from PRC's treatment program, he must immediately report to the United States Marshal.

At least 96 hours prior to anticipated completion of the treatment program, Defendant must advise the Pretrial Services Officer of his anticipated completion date so the court may schedule a hearing to review his release status.

- (9) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
- (10) Defendant must report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning,
- (11) Upon arriving at PRC, Defendant shall immediately contact USPO Stephanie Cherney at (701) 530-2396.

IT IS SO ORDERED.

Dated this 5th day of September, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court